

UNITED STATES DISTRICT
COURT OF
MASSACHUSETTS

Plaintiff,

Antonio Spicer Pro Se

V.

Hampden County Jail

Sheriff Michael J. Ashe

And Dental Department

Defendants

FILED
IN CLERK'S OFFICE
2005 MAY 20 A 10:57
U.S. DISTRICT COURT
DISTRICT OF MASS.
civil action No. 05-30114

CA 05-30114-MAP

Parties

① Plaintiff Antonio Spicer, is a resident of Hampden County and a citizen of the United States.

② The defendant Hampden County Jail/Sheriff Michael J. Ashe and Dental Department are residents of Hampden County and citizens of the United States.

③

Jurisdiction

This court has jurisdiction over this matter pursuant to 42 USC § 1983.

May 19 Judge CF
+ 3M + 10:57 PM
from to PAF

complaint

- ④ On 3-16-05 Plaintiff submitted a request to the Hampden county jail dental dept. (where plaintiff is being detained). Plaintiff requested emergency attention for extreme pain in the teeth.
Plaintiff's request was stated as followed:
"I am in extreme pain, I need immediate medical/dental attention". "I have a hole in my tooth, and it has become abscessed". "I need to see a dentist"!
- ⑤ Plaintiff received request from dental dept. on 3-18-05 stating that plaintiff was approved for a dental appointment on 4-1-05.
- ⑥ The duration of time between requesting emergency dental care and actually seeing a dentist was two weeks.
- ⑦ Plaintiff did not receive any pain medication in the whole two weeks, even after complaining to the dentist of the pain and receiving no pain medication.
- ⑧ out of desperation, plaintiff wrote to the medical dept. and went to sick call several times in order to obtain relief from pain, but received no pain medication from dental or medical dept.
- ⑨ finally on 4-1-05 plaintiff goes to his dental appointment. Plaintiff explained to dentist that plaintiff was in extreme pain.
- ⑩ Dentist tells plaintiff (after examination) that plaintiff needs root canals and fillings and also has cavities.

- (11) Plaintiff tells dentist that plaintiff is in severe pain. The dentist response to plaintiff was quote "your exam is over." The dentist then said "There are 2000 inmates here that have dental problems".
- (12) The dentist sends plaintiff off with no pain medication. At this time plaintiff is bewildered at the fact that the dentist did not prescribe any pain medication.
- (13) The dentist (known as Frank?) simply stated to plaintiff "Go back to your pod". Plaintiff then asked dentist when his teeth would be fixed. The dentist told plaintiff that it could take 2 to 3 months before any work will be done.
- (14) Dentist tells plaintiff he's not the only inmate with pain.
- (15) on top of the fact that the dentist denied plaintiff pain medication the dentist also said that no work will be done until 2 to 3 months.
- (16) at this time plaintiff has an emergency dental issue and the issue is not being attended to.
- (17) Plaintiff clearly exhausted every avenue available to him in order to obtain treatment. And or relief from pain with no positive results.
- (18) By the time the defendants finally prescribed plaintiff motrin for pain, the adequacy of prison officials responses to the known medical need of plaintiff had exceeded 16 days.
- (19) The duration of time was a definite delay from plaintiff's first request.
- (20) The motrin that has been prescribed to plaintiff is not effective anymore. Plaintiff is back to square one. Plaintiff is in extreme pain.

complaint

- (21.) Professional Judgement was not exercised on 4-1-05, when plaintiff went to dental.
It is apparent that plaintiff has pain because the x-rays indicate the dental problems.
- (22.) Plaintiff's verbal communication to dentist regarding plaintiff's pain was ignored deliberately.
- (23.) Do to plaintiff's persistence in writing request after request to medical/dental. Plaintiff was called back to dental on 4/12/05 or 4/13/05, where plaintiff was harassed by dental supervisor.
- (24.) The dental supervisor stated to plaintiff, quote "why do you keep writing these stupid requests". "Don't you think we know your in pain"! "Do you think your special"! "Don't you realize that that we ^{have} 2000 other inmates here who are hurting"! Then she proceeded to call plaintiff a "baby".
- (25.) Then she (supervisor) looked at the dentist and said the plaintiff was refusing treatment. The dentist tried to get plaintiff to sign a form that stated, That plaintiff was refusing treatment.
- (26.) Plaintiff told supervisor, plaintiff is not signing anything. Because I'm not refusing treatment. The medical supervisor said "Your not going to sign"? Plaintiff said NO!. So, the medical supervisor left the room and when she came ~~back~~ back, there were 3 officers with her. They asked plaintiff if he had a problem. Plaintiff said "No problem". Plaintiff explain to officers what happened. The officers walk plaintiff out of the building. Basically the dentist got angry at the fact that plaintiff refused to comply with the dentists inept procedures.

Continued Complaint

(27.) Upon returning to my unit. The unit officer said that plaintiff was "Deadlocked" to his cell pending disciplinary infraction. The ~~let~~ dental supervisor accused plaintiff of calling her a bitch. The dental supervisor then fabricated said infraction and made up a story to get plaintiff in trouble for an offense that never transpired,

(28.) The next day plaintiff was given a disciplinary infraction for "disobeying a direct order", "creating a disturbance" "interfering with staff" and "The use of foul language". Plaintiff's hearing was conducted and he was found guilty of two charges; Interfering with staff and creating a disturbance. Plaintiff did not do any of the things that the dental supervisor accused him of. Plaintiff was thrown in solitary confinement

(29.) This is clearly an abuse of authority and systematic harrassment. It is obviously ~~frwarded~~ ~~frwarded~~ upon at Hampden County Jail for any inmate to express his constitutional right to receive adequate dental/medical attention.

(30.) Plaintiff's expression made the defendants angry and defendants made an example out of him. If an inmate exercises his rights, the inmate is penalized for doing so.

31.) Plaintiff is afraid to seek medical/dental attention now for fear of being punished for it, or set up with an erroneous infraction, or worse.

(31.) Plaintiff is still in continous pain. Plaintiff's has been in pain from the begining of entering this jail until the present! approximately two months. PLAINTIFF STATEMENT

A message needs to be sent to Hampden County Jail's medical/dental staff that this type of misconduct stated in this complaint will not be tolerated. And that the future inmates of Hampden county Jail are given adequate medical/dental attention and care.

continued complaint

(32.)

Damages

plaintiff has suffered from: Pain, no sleep, trouble eating, headaches, mental anguish, mental stress, false accusations, thrown in solitary confinement, humiliated and belittled. Also lied against.

(33.)

Relief Sought

Plaintiff seeks monetary and compensatory damages awarded to plaintiff for the sum of \$250,000 (two hundred, fifty thousand dollars.) in american currency, which includes punitive as well. Plaintiff wishes to sue defendants in their official capacity and individual capacity.

Plaintiff humbly demands trial by jury.

wherefore plaintiff seeks damages against the defendant for said violations. And any other relief this court may deem just and proper.

Defendants

Hampden County Jail
Sheriff Micheal J. Ashe
+ Dental Dept.
627 Randall Road
Ludlow MA, 01056

Plaintiff

Respectfully Submitted

sign Antonio W B Spicer

Print Antonio W B Spicer Pro Se

Date 4/29/05

Antonio Spicer Pro Se
627 Randall Road
Ludlow MA, 01056

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Antonio Spicer (Pro Se)

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

Hamden County

(c) Attorney's (Firm Name, Address, and Telephone Number)

N/A

DEFENDANTS

Hamden County Jail Sheriff
Michael J. Ashe/medical/dental dept.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY) Hamden

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influence and Corrupt Organization is <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

usual + usual punishment

Brief description of cause:

denied medical attention for pain

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$250,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

N/A

DOCKET NUMBER

DATE

4/28/05

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Antonio Spicer v. Sheriff Hampden County
Michael J. Ashe / medical / dental Dept.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

___ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

___ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

✓ ___ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

___ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

___ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☒

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME _____

ADDRESS _____

TELEPHONE NO. _____